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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION
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11 CARLA CORTES, a minor, by and
through her Guardian ad Litem, ISABEL
12 CORTES GARCIA; ISABEL CORTES
GARCIA; and JUAN CARLOS GARCIA
13 TORRES,

14 Plaintiffs,

15 v.

16 DAIMLER CHRYSLER
CORPORATION, and DOES ONE
17 through ONE HUNDRED,

18 Defendants.
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CASE NO. C 05-01012 CRB

**STIPULATION AND ~~PROPOSED~~
ORDER RE CONTINUATION OF
MEDIATION DEADLINE**

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21 The parties, by and through their attorneys of record, hereby submit the following
22 Stipulation to continue the deadline for completion of mediation in the above-referenced matter
23 from January 5, 2006 to March 30, 2006 or to a date to be determined at the further Case
24 Management Conference on January 6, 2006.

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REASON FOR REQUEST

The parties have selected and agreed upon Michael Ornstil of JAMS to serve as the mediator in this matter. Mediation is currently scheduled for January 5, 2006. The mediation deadline is January 6, 2006. For the reasons set forth below, the parties jointly request that the mediation deadline be continued.

The parties have been diligent in their mutual efforts to prepare the case for mediation. Discovery and depositions have been conducted. The parties' experts have inspected the vehicle. Destructive testing was scheduled on November 30, 2005. The purpose of this testing was to determine, if possible, the alleged failure mode of the vehicle's drive shaft. Unfortunately, experts for both sides became unexpectedly unavailable for the testing (DCC's expert was involved in a trial and plaintiffs' expert was selected for jury duty). Mediation simply cannot be meaningful until this testing is completed.

Because of the experts' congested calendars, the first date that all experts are available to conduct the testing is February 16, 2006 and the testing will in fact go forward on that date. In addition, the parties have reserved March 30, 2006 with Mr. Ornstil for mediation. Accordingly, the parties desire to continue the mediation deadline to March 30, 2006. The extension of this deadline will in no way impact any other deadlines in this matter. Neither a trial date nor discovery deadlines have yet been set.

The parties thus stipulate and request that the Court vacate the current mediation deadline of January 5, 2006 and continue the deadline for completion of mediation to March 30, 2006 or a date to be determined at the further Case Management Conference set for January 6, 2006.

STIPULATION

1. The parties agree to mediate on March 30, 2006.
2. The parties stipulate and request that the Court extend the mediation deadline from January 5, 2006 to March 30, 2006 or a date to be determined at the further Case Management Conference set for January 6, 2006.

IT IS SO STIPULATED.

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Respectfully Submitted,

DATED: December 16, 2005

WALKUP, MELODIA, KELLY, WECHT &
SCHOENBERGER

By: Douglas Saeltzer
Douglas Saeltzer
Attorneys for Plaintiff CARLA CORTES, a minor,
by and through her Guardian ad Litem, ISABEL
CORTES GARCIA; ISABEL CORTES GARCIA;
and JUAN CARLOS GARCIA TORRES

DATED: December 16, 2005

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: Peter J. Messrobian
Peter J. Messrobian
Attorneys for Defendant
DAIMLERCHRYSLER CORPORATION

I, Peter J. Messrobian, am the ECF User whose ID and password are being used to file
this Stipulation and [Proposed] Order Re Continuation Of Mediation Deadline. In compliance
with General Order 45, X(B), I hereby attest that Douglas Saeltzer has concurred in this filing.

By: Peter J. Messrobian
PETER J. MESSROBIAN

[PROPOSED ORDER ON FOLLOWING PAGE]

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the deadline for mediation in the above captioned matter is hereby continued to March 30, 2006.

In the alternative, the deadline for mediation shall be determined at the further Case Management Conference set for January 6, 2006.

IT IS SO ORDERED.

DATED: Dec. 19, 2005

